

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KEVIN DAVIS,

Plaintiff,

-v.-

WARDEN ROBERT SHAW, et al.,

Defendants.

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**ORDER DENYING  
REQUEST FOR COUNSEL**

07 Civ. 7706 (JSR)(FM)

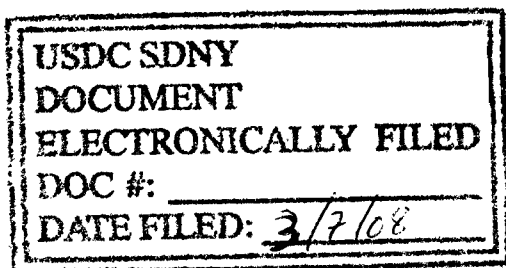
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**FRANK MAAS**, United States Magistrate Judge.

The plaintiff in this action seeks the appointment of pro bono counsel pursuant to 28 U.S.C. § 1915 (e) (1). The Second Circuit's decision in Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989), indicates that the threshold inquiry on such an application is whether the case has merit. If it appears that the case has merit, the Court must next consider the plaintiff's ability to pay for private counsel, efforts to obtain unpaid counsel, and ability to present the case without assistance. Id. The Court must also be mindful that the supply of volunteer counsel is limited.

In my judgment, the plaintiff has not yet made a showing sufficient to warrant the requested appointment. Accordingly, the plaintiff's application is denied without prejudice to its renewal at a later time.

SO ORDERED

Dated: New York, New York  
March 7, 2008



  
FRANK MAAS  
United States Magistrate Judge

Copies to:

Honorable Jed S. Rakoff  
United States District Judge

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